

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Frank J. Washington,) Civil Action No.: 2:18-cv-00681-RBH-TER
)
Plaintiff,)
)
v.) **ORDER**
)
Detective Jennifer Butler and)
Sheriff Al Cannon,)
)
Defendants.)
_____)

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). *See* ECF No. 44. The Magistrate Judge recommends summarily dismissing a defendant from this action. *Id.* at p. 4.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed objections to the R & R, and the time for doing so has expired.¹ In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life &*

¹ Plaintiff’s objections were due by April 16, 2018. *See* ECF Nos. 14 & 15.

Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts and incorporates by reference the Magistrate Judge’s R & R [ECF No. 14]. Accordingly, the Court **DISMISSES Defendant Sheriff Al Cannon without prejudice and without issuance and service of process**. This action remains pending against Defendant Detective Jennifer Butler.

IT IS SO ORDERED.

Florence, South Carolina
May 4, 2018

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge